

EDITOR'S NOTE

The editors of the Ohio State Law Journal are especially proud to be able to publish this issue's symposium on the Federal Employers Liability Act. It has been felt for some time that this great law, so replete with myriads of intricate and detailed problems for both the practitioner and the legislator, merited greater attention.

Our attempt in this issue has been to cover both the substantive law of the F.E.L.A. and its procedural aspects as well as the complicated issue of damages. As the F.E.L.A. is so clearly related to the analogous federal acts covering seamen and some railroad accidents, *i.e.* The Jones Act and The Federal Railroad Safety Acts, we have included in this symposium articles analyzing these acts and comparing them to the F.E.L.A. While the ramifications of the F.E.L.A. are legion, we have made every effort to include in this symposium articles which will be of maximum benefit to the practitioner in this field, and the discussion and amplification of which are so urgently needed to bring greater clarity to this overly-complex area of the law.

In seeking an author to introduce the subject of our symposium we naturally thought of Dean Pound who as Professor Emeritus of Harvard Law School and Editor-in-Chief Emeritus of the NACCA Law Journal has been able to give our readers a general, far-reaching look into the history and background of the F.E.L.A. and places it in its proper prospective as a remedial device for the injured.

Arnold B. Elkind, New York City attorney of the firm of Zelenko & Elkind, has written on the attorney's problem of deciding whether F.E.L.A. actions may be brought more effectively in federal or state courts and has analyzed the varying difficulties to be encountered in each of the forums. Mr. Elkind has also included a helpful attorney's checklist for F.E.L.A. actions.

Definitional concepts of a "safe place to work" are discussed by A. Paul Funkhouser, General Attorney in the Law Department of the Norfolk and Western Railroad in Roanoke, Virginia. Mr. Funkhouser's experience and position have enabled him to present a thorough and detailed analysis of the meaning of this phrase.

Professor Alfred Hill of Southern Methodist University School of Law and currently Visiting Professor of Law at the School of Law, Northwestern University has written on the complexities presented by the *Erie* case when applied to substance and procedure under the F.E.L.A. Professor Hill has ably examined the problem on both the state and federal levels.

Defenses under the F.E.L.A. have been covered by Howard M. Metzenbaum and Elmer I. Schwartz, practicing attorneys of the firm of Metzenbaum, Schwartz & Disbro in Cleveland, Ohio. They

have discussed the three basic defenses open to defendants in a damage action and have contrasted their modern development against the historical background.

The exceedingly troublesome problem of damages in F.E.L.A. actions has been exhaustively covered by William H. DeParcq, attorney of Minneapolis, Minnesota and Charles Alan Wright, Associate Professor of Law at the University of Texas School of Law and author of *Cases on Remedies*. Drawing on both practical and academic experience the authors have presented an outstanding analysis and summary of the recoverable damages under F.E.L.A. and of the problem of modification of the sum awarded upon review.

As stated above, in a symposium on the F.E.L.A. it was felt desirable to include a discussion of The Jones Act, which extended the F.E.L.A. benefits to seamen. A portrayal of the effects and ramifications of actions under The Jones Act has been presented by Professor George W. Stumberg of the University of Texas School of Law who is the author of several noted casebooks.

As in the case with The Jones Act it was also felt necessary to include an article on The Federal Railroad Safety Acts. A comparison between these acts and the F.E.L.A. has been written by Assistant Professor of Law Allan McCoid who is now at the University of Minnesota School of Law.

Included in this issue are several recent decisions of importance. Two Ohio cases are noted, one abolishing the tort immunity of charitable hospitals and the other narrowing the coverage of Ohio's Workmen's Compensation Act. Adoption laws are the subject of two casenotes dealing with rights of inheritance of adopted children. Other casenotes cover subjects including legal aid to indigents upon appeal, reassembly of the jury after discharge and the income tax deductibility of legal expenses as general business expense.